
(2020) 09 MP CK 0043

In the Madhya Pradesh High Court

Case No : Writ Petition No. 11616 Of 2020 , 376 Of 2010, 435, 11964 Of 2012, 2583 Of 13

Chairman M/S Associated Printers & Publishers (M.P.) Pvt.Ltd.

APPELLANT

Vs

Principal Secretary The State Of Madhya Pradesh And Anr

RESPONDENT

Date of Decision : 04-09-2020

Acts Referred:

Citation : (2020) 09 MP CK 0043

Hon'ble Judges : S. C. Sharma, J;Shailendra Shukla, J

Bench : Division Bench

Advocate : Manohar Dalal, Purushaindra Kaurav, Shrey Raj Saxena

Final Decision : Dismissed

Judgement

1. The Indore Development Authority was required to take a decision keeping in view of the judgment delivered in W.P. No.3518/1992 (Vijay Kumar Tiwari Vs. State of Madhya Pradesh and others) and the judgment was delivered on 09.12.2005 and now, we are in the year 2020. The Indore Development Authority / The State of Madhya Pradesh was required to take a decision in respect of all 25 plots, however, Indore Development Authority even after expiry of 15 years has not taken any decision in the matter. Prima facie, there appears to be a willful disobedience on the part of the Indore Development Authority.

2. Shri Purushaindra Kaurav, learned senior counsel with Shri Shrey Raj Saxena, learned counsel has informed this Court that in the year 2018, new Land Allotment Rules have come into force and now, it is the State Government, which is required to take a final decision in the matter.

3. Learned senior counsel has also informed this Court that Indore Development Authority has sent a letter to the Principal Secretary, Urban Administration Department on 03.08.2019, however, no decision has been taken by the State Government / Principal Secretary, Urban Administration Department till date. It is really very very unfortunate. The matter is being delayed on the some pretext

or the other by the Indore Development Authority / the State of Madhya Pradesh. The Principal Secretary, Urban Administration Department is directed to take a decision within a period of one week from today and he shall file an affidavit within one week i.e. before 11.09.2020 informing the decision taken by the State Government in the matter. If the decision has not been taken, he is directed to take decision in the matter in accordance with law and to inform this Court.

4. Another important aspect of the case is that there are serious allegations made by Shri Dalal, learned counsel, who has filed Public Interest Litigation on the subject. His contention that all kind of commercial activities are going on over the land allotted under the garb of allotment to press and therefore, in order to find out the correctness of the statement made by Shri Dalal, learned counsel, a team of senior officers belonging to Indore Development Authority, Town & Country Planning Department and Indore Municipal Corporation shall inspect all the 25 plots in question. They shall submit a detailed report after taking measurement of the structures over those plots in question. The committee shall give a specific finding on the following issues.

(1) The total area allotted to various newspaper group.

(2) The total construction done by each and every newspaper group.

(3) Whether any commercial activities are being carried out or not and whether construction has been carried out after obtaining due permission as required under the statutory provision.

Let the report on the issues be filed within seven days.

5. The Collector, Indore is directed to coordinate with the various authorities and to ensure that the report in respect of each and every allottee as directed by this Court is forwarded on or before the next date of hearing.

6. In the present case, in W.P. No.376/2010, W.P. No.435/2012, W.P. No.11964/2012 and W.P. No.2583/13, the Indore Development Authority has taken a decision cancelling the allotment and not to regularize the allotment and the earlier allotment has been cancelled.

7. Let an affidavit be filed on behalf of the Indore Development Authority as to why in aforesaid four cases, the claims have been rejected and as to why discriminatory treatment is being done in the matter. All the minute details be filed on an affidavit by the Chairman, Indore Development Authority / Commissioner, Indore Division, Indore in respect of the order rejecting regularization in respect of four of the allottees only.

Let the same be also done within a weeks.

List the matter on 11.09.2020.

Certified copy as per rules.